

HONOURABLE SRI JUSTICE B. SESHASAYANA REDDY

WRIT PETITION NO.14353 OF 2005

Dated 24-1-2006

Between :

Kavali Jangaiah son of Balaiah, aged about 52 years, resident of Malleboinpally village, Jadcherla Mandal, Mahaboobnagar District.

..Petitioner.

And :

The Mandal Revenue Officer, Jadcherla Mandal, Mahabubnagar District.

...Respondent.

ORDER :

This writ petition has been filed by Kavali Jangaiah with a prayer to issue a writ of Mandamus or any other appropriate writ or direction declaring the action of the respondent in not considering the claim of the petitioner for grant of assignment of the land admeasuring an extent of Ac.1-00 in S.No.35/29 situated at Malleboinpally village as per the proceedings No. G/541/98 dated 30-7-1998 of the Revenue Divisional Officer as illegal and arbitrary.

2. The brief facts of the case giving rise to filing the writ petition by the petitioner are

:-

An extent of Ac.1.00 was assigned to one Mohd. Ibrahim in the year 1970 vide proceedings No.C2/6792/70 dated 21-8-1970. The petitioner claimed that the said Ibrahim permitted him to cultivate the land. The legal representatives of the said Ibrahim filed an application before the Mandal Revenue Officer seeking restoration of the possession. Their application ended in dismissal and they carried the matter in appeal before the Revenue Divisional Officer. The Revenue Divisional Officer, while confirming the orders of the Mandal Revenue Officer directed the Mandal Revenue Officer to consider the claim of the petitioner for assignment. The order passed by the Revenue Divisional Officer reads as follows :

“On perusal of the documentary evidence conducted, spot inspection with local enquiry on 12-5-1998. It is evident that the wife of L.R's of the assignee/petitioner are not in possession of the land and more over she is not having any residential house in the village. Further one Sri Kawli Jangaih, S/o Balaiah, R/o Malleboinpalli (v) who is a landless poor is in possession and he is cultivating the suit land since long. The appellant in her statement has deposed, that she has no objection if the land is assigned to the present cultivator Sri Kavali Jangaiah, as she is in old age and her two sons left for Hyderabad for livelihood and there is nobody look after the land.

In view of the above reasons, the appeal is dismissed are no valid reasons. The stay granted earlier is vacated.

The Mandal Revenue Officer, Jadcherla is requested to claim the assignment of the land Sy.No.35/29 extent of Ac.1.00 of Malleboinapally (village) which assigned and stands in the name of Mohd Ibrahim and place re-assignment proposals in favour of the present cultivator Sri Kavali Jangaiah, S/o Balaiah R/o Malleboinpally (v) of Jadcherla Mandal in the issuing Taluk Assignment Review Committee (T.A.R.C.) and report compliance.”

3. The petitioner submitted an application to the Mandal Revenue Officer-respondent on 7-2-2003 to consider his claim as directed by the Revenue Divisional Officer. According to the petitioner, the Mandal Revenue Officer has not considered his claim and hence, the writ petition.

4. The respondent filed counter-affidavit.

It is stated in the Counter-affidavit that the Government resumed the land and converted as Karizkatha and the Assignment Committee proposed allotment of the land in favour of Janashakti Vikalangula Samakya which is a Federation of persons with disabilities registered under A.P. (T.A.) Public Societies Act, 1350 Fasli with

registration No.4154/2001, for establishing a training center for disabled persons and for house sites to deserving persons. Proposals for alienation of land to an extent of Ac.0.20 to the above "Samakya" have already been submitted to the Revenue Divisional Officer, Mahaboobnagar vide reference No.C/1356/2003, dated 25-2-2004 for onward transmission to the District Collector, Mahaboobnagar with due recommendation, while the remaining land has been allotted for house sites to deserving persons.

5. It is averred in the counter that the representation of the petitioner has already been considered and endorsement has been issued to him. I deem it appropriate to refer paragraph six of the counter-affidavit and it reads as follows :

"6. In reply to para 8, it is submitted that, it is incorrect to say that the respondents herein has not considered the representation of the petitioner herein dt: 7-2-2003, which was actually received on 11.2.2003, in as much as an endorsement vide Ref. No.C/1346/2003 dated : 8-4-2004 has been issued to the petitioner herein about not considering the request of the petitioner herein for assignment of suit land, which the petitioner herein His Lordship Mr. Justice refused to acknowledge when sent for service. As such the prayer of the petitioner to this Hon'ble Court for issuing direction to the respondent herein deserves no consideration. The petitioner has no right of assignment of the land. It is for the Government to consider and pass appropriate orders."

6. Heard the learned counsel for the petitioner and the learned Government Pleader for assignment appearing for the respondent.

7. Learned Counsel for the petitioner submitted that the representation of the petitioner has not been considered in a way as directed by the Revenue Divisional Officer and thus necessary direction is required to be given to the respondent.

8. Per contra, the learned Government Pleader for assignment has submitted that necessary endorsement has been issued to the petitioner in this regard. A copy of the order has been placed on record. The order passed by the Mandal Revenue Officer indicates that the request of the petitioner for assignment has not been considered.

9. It is for the petitioner to approach the proper forum to assail the order passed by the Mandal Revenue Officer and therefore, giving liberty to the petitioner to assail the order passed by the Mandal Revenue Officer in accordance with law, the writ petition is dismissed. No costs.

Justice B.SESHASAYANA REDDY

Date : 24th January, 2006.

Dvs

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